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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,339	04/13/1999	HISASHI TAKAYAMA	1900/005	2180

7590

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EXAMINER
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CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/284,339

Applicant(s)

Takayama

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 18, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-12, 22, 24-29, 31, 35, 36, 39-41, 43, 44, 49-56, 61-63, 75-78, is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12, 22, 24-29, 31, 35, 36, 39-41, 43, 44, 49-56, 61-63, 75-78, 93, is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of restriction requirement in Paper No. 6 is acknowledged. Applicant has elected Group I, species A. Claims 46-48, 65, 66, 67, 87-90, 124-139, 81-84, 107, 174-177 and 109-121 read on non-elected species and are withdrawn from consideration.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electronic wallet, the electronic payment card settlement means, the payment card issuing means, the service means, the service providing means, the first, second, third, fourth storage means, display means, optical communication means, selection means, automatic providing means, communication means, subscriber information storage means, and member shop information storage means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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3. Per the drawing objections made in PTO-948 and by examiner herein, corrected drawings are required in reply to this office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. If the reply does not include corrected drawings or a reply to the drawing requirements, the reply should be held non-responsive.

The above new guidelines are set forth in:

*Changes to Implement Eighteen-Month Publication of Patent Applications*; Final Rule,  
65 Fed. Reg. 57023 (Sept. 20, 2000)

*Drawings in Patent Application Publications and Patents*, 1242 Off. Gaz. Pat. Office 114  
(Jan. 16, 2001)

The Memorandum on "Procedures for Treatment of Drawings in Utility Applications"  
from Esther M. Kepplinger, Deputy Commissioner for Patent Operations, on May 3, 2001 to  
Patent Examining Corps Directors.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-12, 22, 27, 28, 35, 36, 39, 49-56, 61, 63, 93, 24-26, 29, 31, 40, 41, 43, 44, 97, 98, 62, 75, 76, 77, 78, 95, 96, 99-106, and 142-144 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The following terms have been claimed but not properly defined and itemized in the specification or the drawings. It is unclear as to what the scope and definition of these terms: the electronic wallet, the electronic payment card settlement means, the payment card issuing means, the service means, the service providing means, the first, second, third, fourth storage means, display means, optical communication means, selection means, automatic providing means, communication means, subscriber information storage means, and member shop information storage means.

Note that the mere repeating of the vague claim language in the summary of the invention does not make these terms clear.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35

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U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 9-12, 22, 27, 28, 35, 36, 39, 49-56, 61, 63, and 93 are rejected under 35 U.S.C. 102(e) as being anticipated by Teicher.

Teicher shows, figure 3, a system and method for retail (mobile electronic commerce system). Figure 3 a detailed block diagram illustration of the payment system 7. Electronic wallet 9 (electronic wallet and payment card) which is personal to a customer 12 who is making a purchase at POS 10, comprises an electronic purse 310 containing information identifying the amount of electronic cash stored in its register 311. The electronic wallet also comprises an electronic checkbook 320 (ie electronic credit card), in which register 321 contains information identifying and authorizing transactions with at least one credit or bank account, made through processing centers of financial institutions 20. External interface 340 serves as an interface between the electronic wallet and payment units 8. External interface 340 comprises communication hardware as well as secured protocols for reading or altering the information stored in the electronic wallet (including wallet to wallet transfer capability). These protocols preferably include a requirement for keying-in a secret PIN (personal identification number) code via customer interface 352, as a precondition for any transaction with wallet 9.

Payment unit 8 comprises an automatic transaction manager 361, which controls all transactions executed with respect to electronic wallet 9. Automatic transaction manager unit 361 selects and controls the operation of three transaction units: an electronic purse payment unit

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363, electronic purse loading unit 365 and an electronic checkbook transaction unit 366. For each payment request received from POS 10 through POS interface 353, automatic transaction manager unit 361 selects the transaction or transactions to be executed and accordingly selects which of the units 363, 365 and 366 to activate.

Electronic purse payment unit 363 (electronic payment card settlement means) communicates with electronic purse 310 of electronic wallet 9. When unit 363 is activated to pay a purchase sum required by POS 10, it operates to reduce the amount of electronic cash stored in register 311 by the purchase sum, while increasing the amount of electronic cash stored in an electronic cash drawer 364 by the same sum.

Card interface 351 includes hardware and protocols known in the art for secured communication with electronic wallet 9. It may include mechanical means operative to retain an electronic wallet during transaction and to release it upon the transaction completion. It may use contactless communication (wireless) or even allow remote transactions by using a suitable communication means. For example, a wireless communication link may serve to collect payment in a toll road without stopping the car, or for collecting payment for a card used with a cellular telephone.

As an optional feature, payment unit 8 may include a customer interface 352, for example a keypad and a display, operative to display status information and to allow adding a Personal Identification Number (PIN) (uniquely described). As is well known in the art, a PIN is a secret code which serves as an electronic signature to enhance transaction security. If more than one

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central account is accessible by electronic checkbook 320, the customer may use customer interface 352 to select the account to be charged.

Merchant interface 362 may be any communication link which enables the owner and/or operator of the retail system of which payment unit 8 is part of to enter operation parameters into automatic transaction manager 361 (settlement process), for example the minimal electronic checkbook payment sum. A non limiting example is that of a communication link to the merchant's office computer.

Remote account interface 370 incorporates hardware and protocols known in the art for secured communication with transaction processing centers of financial institutions 20, respective to the accounts identified by register 321 of electronic checkbooks 320 included in the customers' electronic wallets 9. The communication (service means) can be either on line or off-line. Non limiting examples of on-line communication means include dial-up telephone lines, dedicated lines or cellular data communication (wireless, many options). A non limiting example of off-line communication means is a hand held terminal for unloading transaction information from payment unit 8 when visiting them, and downloading the information thereafter to processing centers of financial institutions 20 by communicating with them from the merchant's office. These hand held terminals may work the other way, i.e. unloading information from the financial institutions thereinto at the merchant's office and downloading this information into payment units 8 during a visit.



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Electronic safe 368 is an electronic storage device for temporary electronic storage of central transactions executed in an off-line communication. Transaction orders are stored in the electronic safe 368 until they are downloaded for batch processing during a communication session with the transaction processing centers of financial institutions 20.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 24-26, 29, 31, 40, 41, 43, 44, 97, 98, 62, 75-78, 95, 96, 99, 100-106, 142-144, 174-177 and 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher, as applied above, in view of Matsunaga et al.

Teicher shows all of the limitations of the claims except for specifying ferroelectric nonvolatile memory, specific communications and specific security and verification methods.

Matsunaga et al. teaches, figure 1, a ferroelectric nonvolatile memory in order to improve the battery.

Based on the teaching of Matsunaga et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the battery in order to improve the battery.

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There are many type of security, verification, and communication methods available in order to provide secure, safe and efficient communication.

Based on the discussion above, the examiner takes official notice that the security and communication variations would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the <sup>security system</sup> ~~battery~~ in order to provide secure, safe and efficient communication.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daggar, Kitao et al., Wissenburgh et al show systems of interest.

11. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 872-9326. (After Final special fax number (703) 872-9327) The customer service number is (703) 872-9325.

*Michael Cuff 12/30/02*  
Michael Cuff  
December 30, 2002